

REMARKS

Claims 1-27, 29-44, and 48 are pending in the Application. Claims 1-13, 20-27, 29-44, and 48 are allowed. Claims 14-19 are rejected. Claim 14 has been amended. No new matter has been added. The rejections of the claims are respectfully traversed in light of the following amendments and remarks and reconsideration is requested.

Rejections Under 35 U.S.C. § 103

Claims 14-19 are rejected under § 103(a) as being unpatentable over Ivarsson (U.S. Patent No. 6,493,097) in view of Liu et al. (U.S. Patent No. 6,277,330 hereinafter "Liu").

Applicants submit that Ivarsson does not disclose an apparatus that can image spatially in a two-dimensional area. Instead, Ivarsson discloses scanning over a range of incident angles or wavelengths. Ivarsson discloses "sequentially or continuously scanning the incident angle of the light over an angular range, sequentially or continuously scanning the wavelength of the light over a wavelength range, or both." (Ivarsson, col.25, ll.19-22). Ivarsson further discloses "means for sequentially or continuously scanning said light incident at said sensor surface over a range of incident angles and/or wavelengths." (Ivarsson, col.26, ll.45-47). Liu does not remedy the deficiencies of Ivarsson noted above.

As correctly noted by the Examiner, "Both Ivarsson and Liu et al do not explicitly teach that the detector detects beam of light reflected from the TIR surface including the spatially distributed polarization change caused by the specimen." (Office Action dated March 27, 2003, page 5).

In his Response to Arguments, the Examiner writes in part:

Applicant's remarks, page 12, argue that the references do not teach that "said imaging apparatus including . . . a two dimensional array detector adapted for providing an image based on spatially distributed polarization changes in the light beam". However, this limitation only included in the preamble which is not given any patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. (emphasis in original).

As now recited in amended Claim 14, Applicants submit that Ivarsson in view of Liu does not disclose or suggest a "cassette for use with an imaging apparatus, said cassette comprising . . . a mount or frame coupled to the optical element and having a locating portion engageable with a mating locating element of a two-dimensional array detector adapted for providing an image based on spatially distributed polarization changes in the light beam, said mount or frame being operable to locate at least a selected portion of the specimen array in the evanescent field."

Claims 15-19 are dependent on Claim 14 and contain additional limitations that further distinguish them from Ivarsson in view of Liu. Therefore, Claims 15-19 are allowable over Ivarsson in view of Liu for at least the same reasons provided above with respect to Claim 14.

In view of the foregoing, Applicants respectfully submit that all rejections have been resolved and request that the rejections under 35 U.S.C. § 103(a) be withdrawn.

Double Patenting

Claims 14 and 17 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 26, and 28 of U.S. Patent No. 6,594,011 issued to Kempen.

The conflicting patent and this Application are commonly owned, and Applicants are timely filing with this Response to Final Office Action a terminal disclaimer in compliance with 37 CFR 1.321(c), thereby overcoming the nonstatutory double patenting rejection.

In view of the foregoing, Applicants respectfully request that the double patenting rejection be withdrawn.

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication of allowability of Claims 1-13, 20-27, 29-44, and 4°.

CONCLUSION

For the above reasons, Applicants believe pending Claims 1-27, 29-44, and 48 are now all in condition for allowance and allowance of the Application is hereby solicited. If the Examiner has any questions or concerns, the Examiner is hereby requested to telephone Applicants' Attorney at (949) 752-7040.

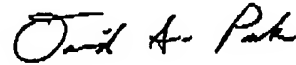
CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.


Adrian Giberson

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Respectfully submitted,



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